

Feb-28-02 16:50

From-LAHIVE & COCKFIELD, LLP

6177424214

T-172 P.01/03 F-681

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**LAHIVE  
&  
COCKFIELD  
L L P**

COUNSELLORS AT LAW  
28 STATE STREET  
BOSTON, MASSACHUSETTS 02109-  
1784  
TELEPHONE (617) 227-7400  
FAX (617) 742-4214  
lc@lahive.com

JOHN A. LAHIVE, JR. (1926-1997)  
THOMAS V. BURZYNSKI  
RALPH A. LOREN  
GIULIO A. DeCONTI, JR.  
ANN LAMPORT HAMMETTE  
ELIZABETH A. RANLEY  
AMY BAKER MANDRAGOURAS  
ANTHONY A. LAURENTANO  
KEVIN J. CANNING  
JANE E. REMILLARD  
DOANN FORAN SMITH  
PETER C. LAURO  
JEANNE M. DIGIORGIO  
DEBRA J. MILASINICIC, Ph.D.  
DAVID J. RINKERS  
DAVID R. BURNS  
JOHN S. CURRAN  
SEAN D. DETWEILER

CYNTHIA L. KANIK, Ph.D  
MEGAN E. WILLIAMS, Ph.D  
RICHA NAND  
MICHAEL PHILLIPS\*  
LISA M. DROCCO  
MATHAWAY P. RUSSELL\*\*  
MARIA LACOTTRIPE ZACHAROWSKI, Ph.D.  
PETER A. BONATTA  
VINCENT P. LOCCISANO  
MERIDETH C. ARNOLD

SENIOR COUNSEL  
JAMES E. COCKFIELD

OF COUNSEL  
JEREMIAN LYNCH  
WILLIAM A. COCKFIELD JR.  
SIBLEY P. REPPERT

PATENT AGENTS  
THEODORE R. WEST  
SHAYNE Y. MUFF, Ph.D.  
DANIEL B. KO

TECHNICAL SPECIALISTS  
CYNTHIA M. BOROOS  
PETER W. DINI, Ph.D.  
EUN-JOON LEE  
JENNIFER K. ROSENFIELD  
ALLAN TAMESHITI, Ph.D.  
CATHERINE E. MCPHERSON  
ERIC F. WAGNER, Ph.D.  
SHARON MASAN, Ph.D.  
JACOB G. WEINTRAUB  
JONATHAN M. SPARKS, Ph.D.  
CRISTIN E. HOWLEY, Ph.D.

\* Admitted in NY only  
\*\* Admitted in TX only

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## Facsimile Cover Sheet

**To:** Examiner Ram Shukla  
**Company:** U.S. Patent and Trademark Office  
**Location:** Group Art Unit 1632  
**Phone:** 703-305-1677  
**Fax:** 703-746-3103

**From:** Jennifer K. Rosenfield  
**Phone:** (617) 227-7400  
**Fax:** (617) 742-4214  
**Case No.:** Serial No. 09/281,64  
Our Ref. BBI-013C3CN2CPA

**Date:** 02/28/02

**Sent By:** JKR

**Pages including this  
cover page:** 3

**Message:** Dear Examiner Shukla:

Further to our telephone conversation, attached please find a copy of the transmittal letter that accompanied the application when it was filed on March 30, 1999. Please note that item number 18 (the last item before the signature) contains the request to transfer the computer readable form of the sequence listing from the parent application. The paper copy of the sequence listing is contained in pages 52-68 of the specification as filed. If you require any other information, or have any other questions, please feel free to contact me or Giulio DeConti.

Best Regards, Jennifer

The documents transmitted by this facsimile are intended for the use of the individual or the entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of the message is not the intended recipient, or the employee or agent responsible for delivering this document to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original facsimile to us at the above address via the U.S. Postal Service. Thank you.

Feb-28-02 16:50

From-LAHIVE &amp; COCKFIELD, LLP

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T-172 P.02/03 F-681  
CUSTOMER NUMBER:

000959

DIVISIONAL-CONTINUATION APPLICATION TRANSMITTAL FORM  
UNDER RULE 1.53(b) (former Rule 1.60)

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIOR APPLICATION SERIAL NUMBER: 08/479,306	PRIOR APPLICATION FILING DATE: JUNE 7, 1995
BBI-013C3CN2	CLASS:	SUBCLASS:	EXAMINER: B. CAMPELL	ART UNIT: 1632

ASSISTANT COMMISSIONER FOR PATENTS  
BOX PATENT APPLICATION  
WASHINGTON, DC 20231

EL095523699US

## CERTIFICATION UNDER 37 CFR 1.10

Date of Deposit: March 30, 1999Mailing Label Number: EL095 523 699US

I hereby certify that this 37 CFR 1.53(b) request and the documents referred to as attached therein are being deposited with the United States Postal Service on the date indicated above in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 and addressed to the Assistant Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.

Viriato G. Cardoso  
Name of Person Mailing Paper

Signature of Person Mailing Paper

Dear Sir:

This is a request for filing a  continuation  divisional application under 37 CFR 1.53(b), of pending prior application serial no. 08/479,306 filed on June 7, 1995 of Hermann Bujard, Manfred Gossen, Jochen G. Salfeld, Jeffrey W. Voss entitled METHODS FOR REGULATING GENE EXPRESSION whi

1.  Enclosed is a copy of the latest inventor signed application, including the oath or declaration as originally filed. The copy of the enclosed papers is as follows:

68 page(s) of specification  
 2 page(s) of claims  
 1 page(s) of abstract  
 17 sheet(s) of drawing  
 5 page(s) of declaration and power of attorney.

I hereby verify that the attached papers are a true copy of the prior complete application serial no. 08/479,306 as originally filed on June 7, 1995.

2.  A verified statement to establish small entity status under 37 CFR 1.9 and 1.27, a copy of which is enclosed, was filed in the prior application and such status is still proper and desired (37 CFR 1.28(a)).

3.  The filing fee is calculated below.

A

ENTITY		NUMBER OF CLAIMS FILED	MINUS	20	NUMBER EXCLUDED
TOTAL		17	MINUS	20	0
INDEP.		2	MINUS	3	0

MULTIPLE DEPENDENT CLAIMS

## SMALL ENTITY

RATE	FEES
18 -	\$0.00
39 -	\$0.00
+130 -	\$0.00
BASIC FEE	\$0.00
TOTAL	\$0.00

## OTHER THAN SMALL

RATE	FEES
x 18 =	\$0.00
x 78 =	\$0.00
+ 260 =	\$0.00
BASIC FEE	\$760.00
TOTAL	\$760.00

4.  The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 12-0080. A duplicate copy of this sheet is enclosed.

5.  A check in the amount of \$760.00 is enclosed for payment of the filing fee.

6.  Cancel in this application original claims \_\_\_\_\_ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
7.  A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claims in the prior application.)
8.  Amend the specification by inserting before the first line the sentences: "This application is a continuation application of serial no. 08/479,306 filed on June 7, 1995, Issuing 3/30/99 as USPN 5,888,981, which in turn is a continuation-in-part application of serial no. 08/260,452 filed on June 14, 1994, Issued 7/22/97 as USPN 5,650,298. The contents of all of the aforementioned application(s) are hereby incorporated by reference."
9.  New informal drawings are enclosed (32 sheets, Figs. 1-14).
10.  The prior application is assigned of record to BASF Aktiengesellschaft and Knoll Aktiengesellschaft, both of Ludwigshafen, Germany.
11.  Also enclosed is: Copy of inventor executed Declaration/Power of Attorney as filed on 9/14/1995 (10 pp.); postpaid return postcard.
12.  The power of attorney in the prior application is to Elizabeth A. Hanley, Reg. 33,505.
- a.  The power appears in the original papers in the prior application.
- b.  Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
13.  Address all future communications (May only be completed by applicant, or attorney or agent of record) to Elizabeth A. Hanley at Customer Number: 000959 whose address is:  
Lahive & Cockfield, LLP  
28 State Street  
Boston, Massachusetts 02109
17.  Any requests for extensions of time necessary in a parent application for establishing copendency between this application and a parent application are hereby requested and the Commissioner is authorized to charge any fee associated with such an extension to Deposit Account No. 12-0080
18.  Pursuant to 37 CFR 1.821(c), the computer readable form of the sequence listing for this new application is to be identical with the computer readable form of application serial no. 08/479,306. Please use the computer readable form of application serial no. 08/479,306 in lieu of filing a duplicate computer readable form in this application. Pursuant to 37 CFR 1.821(f), the content of the paper copy of the sequence listing for this new application and the computer readable form of application serial no. 08/479,306 are the same

March 30, 1999  
Date

LAHIVE & COCKFIELD, LLP  
28 State Street  
Boston, Massachusetts 02109  
Tel. (617) 227-7400

  
Elizabeth A. Hanley  
Reg. No. 33,505  
 inventor(s)  filed under §1.34(a)  
 assignee of complete interest  
 attorney or agent of record